

From: morgan@transmeta.com@inetgw
To: Microsoft ATR
Date: 12/10/01 12:38am
Subject: Comments on the proposed Microsoft Antitrust Remedy Document

To whom it may concern,

I am writing to comment on the "Civil Action No. 98-1232 (TPJ)". It is my understanding that a general request for comments on the proposed remedy is in effect. My comments are based on reading the proposed remedy as presented here:

<http://news.cnet.com/news/0-1003-201-7758181-0.html?tag=unkn>

I have significant concern about the following provision:

III.C.5:

Presenting in the initial boot sequence its own IAP offer provided that the OEM complies with reasonable technical specifications established by Microsoft, including a requirement that the end user be returned to the initial boot sequence upon the conclusion of any such offer.

My concern about the above provision is that it appears to permit Microsoft to prohibit an OEM from installing an alternative "IAP offer" capable of shutting down the OEM's product. By which I mean it appears that this provision limits the potential to power-down the OEM product to a Microsoft product. I feel that this is a wholly inappropriate restriction. It would appear to effectively require that all OEM's ensure the "end user" use a Microsoft product at least once per power-up of their OEM product. This requirement appears completely bizarre as a "remedy" to the illegal behaviors of a convicted monopoly.

I should like to see this aspect of this provision reversed. To this end, I propose the following re-wording of this section:

III.C.5: (my proposed revision)

Presenting in the initial boot sequence its own IAP offer provided that the OEM complies with reasonable technical specifications published by Microsoft, excluding any requirement that the end user directly or indirectly use a Microsoft product.

Thank you for your consideration.

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[In this communication, I speak for myself and do not necessarily
represent the views of my employer.]

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